TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Ordinance

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 1-4-01 Applicant: C. William Laystrom, Jr., Esq., petitioner/Theodore and Nadine Curcie, owner. 5990 SW 82 Avenue/Generally located at the northeast corner of Stirling Road and SW 82 Avenue.

REPORT IN BRIEF:

The applicant requests to rezone the 9.04 acre subject property as well as the abutting 3.58 acres to the north, from A-1 to B-2 for the construction of an 87,000 square foot retail center, parking, retention, and landscaping. This rezoning would provide a consistent zoning designation with the properties to the north (under consideration for rezoning to B-2) and west (zoned B-2). It would also remain consistent with the Town and County Commercial Land Use Plan Designation for said properties.

PREVIOUS ACTIONS:

Town Council approved the request at the March 21, 2001 meeting (motion carried 5-0).

CONCURRENCES:

The Planning and Zoning Board recommended to approve the request at its March 14, 2001 meeting (motion carried 4-0).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, Legal Description, Subject Site, Land Use Map, Aerial.

ORDINANCE

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District, to B-2, Community Business District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

<u>SECTION 1.</u> That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District, to B-2, Community Business District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

<u>SECTION 2.</u> That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-2, Community Business District.

<u>SECTION 3.</u> All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

<u>SECTION 4.</u> If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

 $\underline{\text{SECTION 5.}} \qquad \text{This Ordinance shall take effect immediately upon its passage and adoption.}$

PASSED ON FIRST READI	NG THIS	DAY OF	<u>,</u> 2001.
PASSED ON SECOND REA	ADING THIS	DAY OF	<u>_,</u> 2001.
ATTEST:			
		MAYOR/O	COUNCILMEMBER
TOWN CLERK			
APPROVED THIS	DAY OF_		<u>,</u> 2001.



CONSUL-TECH ENGINEERING, INC.

Consulting Engineers • Educhkamens • Fand Surveyors

3141 COMMERCE PARKWAY MIRAMAR, ELORIDA, 33025

PRODE: 09541-438-4300 FAX: (914) 4 St 1433

-SKETCH AND DESCRIPTIONDOTE: 1005 IS NOT A SKETCH SERVEY, BUT DNLY A GRAPHIC DESCRIPTION SHOWN HEREOF

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EXHIBIT "A"





